

Served: April 1, 2004



**UNITED STATES OF AMERICA  
DEPARTMENT OF TRANSPORTATION  
OFFICE OF THE SECRETARY  
WASHINGTON, D.C.**

Issued by the Department of Transportation  
on the 29<sup>th</sup> day of March, 2004

Applications of

**VICTORY AIR TRANSPORT, INC.**

for certificates of public convenience and necessity under 49  
U.S.C. 41102 to engage in interstate and foreign charter air  
transportation of persons, property and mail

**Dockets OST-02-14027  
and  
OST-02-14028**

**ORDER CONFIRMING ORAL ACTION  
AND ISSUING EFFECTIVE CERTIFICATES**

By Order 2003-7-25, served July 23, 2003, the Department found Victory Air Transport, Inc. (Victory) fit to engage in interstate and foreign charter air transportation of persons, property, and mail. That order also issued to the company an interstate charter certificate. By Order 2003-9-16, served September 23, 2003, the Department issued Victory a companion foreign charter certificate. The authority to operate under these certificates was not to become effective until six (business) days after the Department had received (1) a copy of Victory's Air Carrier Certificate and Operations Specifications issued by the Federal Aviation Administration (FAA) authorizing such operations, (2) a certificate of insurance evidencing liability insurance coverage meeting the requirements of Part 205 of our rules, and (3) updated fitness information, including evidence that the carrier continues to have funding sufficient to meet our financial fitness criteria.

On March 2, 2004, we received the required certificate of insurance; on March 11, the carrier filed updated fitness information; and on March 22, Victory provided the required FAA documents. At the same time it filed these documents, Victory requested that the Department waive the six-day waiting period contained in the certificates and make the authority contained therein effective as soon as possible. The material filed by Victory showed that the company had undergone no significant changes in fitness and our review of the documents provided by the carrier was otherwise satisfactory.<sup>1</sup>

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<sup>1</sup> Victory advised that there had been no change in its ownership or management and that it had paid all but approximately \$5,000 of its pre-operating expenses. It also submitted a statement from its bank showing that it had approximately \$1 million on deposit, which is sufficient to cover the approximately \$920,000 it will need to meet our financial criteria.

Under the circumstances, we concluded that there was no reason not to grant the carrier the waiver it requested and make its authority effective prior to the expiration of the six-day waiting period. Thus, on March 23, 2004, we orally advised Victory that we were making its interstate and foreign charter certificate authority effective on that date. By this order, we confirm our oral action of March 23 and take this opportunity to reissue the carrier's certificates to reflect their effective dates.

**ACCORDINGLY**, Acting under authority assigned by the Department in its Regulations, 14 CFR 385.12:

1. We confirm our oral action of March 23, 2004, making the interstate and foreign charter passenger certificates issued to Victory Air Transport, Inc., by Orders 2003-7-25 and 2003-9-16, respectively, effective on that date and reissue the certificates in the attached forms to reflect their effective date.
2. We direct that, should Victory Air Transport, Inc., want to expand its fleet to more than three large aircraft, it must first provide the Department with 45-days' advance notice and demonstrate its fitness for such expansion.<sup>2</sup>
3. We direct Victory Air Transport, Inc., to submit to the Air Carrier Fitness Division a first-year progress report within 45 days following the end of its first year of certificated operations.<sup>3</sup>
4. We will serve a copy of this order on the persons listed in Attachment A.

By:

**RANDALL D. BENNETT**  
Director  
Office of Aviation Analysis

(SEAL)

*An electronic version of this document is available on the World Wide Web at  
<http://dms.dot.gov>*

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<sup>2</sup> A "large" aircraft is any aircraft originally designed to have a maximum passenger capacity of more than 60 seats or a payload of more than 18,000 pounds, such as the B-737 executive-configured jet that Victory proposes to operate.

<sup>3</sup> The report should include a description of Victory's current operations (number and type of aircraft, principal markets served, total number of full-time and part-time employees), a summary of how these operations have changed during the year, a discussion of any changes it anticipates from its current operations during its second year, current financial statements (including a balance sheet at the end of its first year of flight operations and a 12-month income statement ending that same date), and a listing of current senior management and key technical personnel.



## *Certificate of Public Convenience and Necessity for Interstate Charter Air Transportation*

*This Certifies That*

### **VICTORY AIR TRANSPORT, INC.**

*is authorized, subject to the provisions of Subtitle VII of Title 49 of United States Code, the orders, rules, and regulations issued thereunder, and the attached Terms, Conditions, and Limitations, to engage in interstate charter air transportation of persons, property, and mail.*

*This Certificate is not transferable without the approval of the Department of Transportation.*

*By Direction of the Secretary*

*Issued by Order 2004-3-31  
On March 29, 2004  
Effective on March 23, 2004*

*Randall D. Bennett  
Director  
Office of Aviation Analysis*



*Terms, Conditions, and Limitations*

**VICTORY AIR TRANSPORT, INC.**

*is authorized to engage in interstate charter air transportation of persons, property and mail between any point in any State, territory, or possession of the United States or the District of Columbia, and any other point in any of those entities.*

*This authority is subject to the following provisions:*

- (1) The holder's authority to operate under this certificate is limited to operations conducted under Part 135 of the Federal Aviation Regulations.*
- (2) The effectiveness of the authority contained in this certificate is conditioned upon the holder's continued existence under the ownership of DDL Pilot Services Company, Inc.*
- (3) The holder shall at all times conduct its operations in accordance with the regulations prescribed by the Department of Transportation for the services authorized by this certificate, and with such other reasonable terms, conditions, and limitations as the Department of Transportation may prescribe in the public interest.*
- (4) The holder's authority under this certificate is effective only to the extent that such operations are also authorized by the Federal Aviation Administration (FAA), and comply with all U.S. Government requirements concerning security.*
- (5) The holder shall at all times remain a "Citizen of the United States" as required by 49 U.S.C. 40102(a)(15).*
- (6) The holder shall maintain in effect liability insurance coverage as required under 14 CFR Part 205. Failure to maintain such insurance coverage will render a certificate ineffective, and this or other failure to comply with the provisions of Subtitle VII of Title 49 of the United States Code or the Department's regulations shall be sufficient grounds to revoke this certificate.*
- (7) The holder is not authorized to engage in air transportation operations between points within the State of Alaska.*

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*\* This certificate is being reissued to reflect its effective date.*

(8) *Should the holder propose any substantial changes in its ownership, management, or operations (as that term is defined in 14 CFR 204.2(l)), it must first comply with the requirements of 14 CFR 204.5.*

(9) *In the event that the holder commences operations for which it was found "fit, willing, and able" and subsequently ceases all such operations, its authority under all certificates held shall be suspended under the terms of 14 CFR 204.7 and the holder may neither recommence nor advertise such operations unless its fitness to do so has been redetermined by the Department. Moreover, if the holder does not resume operations within one year of its cessation, its authority shall be revoked for dormancy.*



## *Certificate of Public Convenience and Necessity for Foreign Charter Air Transportation*

*This Certifies That*

### **VICTORY AIR TRANSPORT, INC.**

*is authorized, subject to the provisions of Subtitle VII of Title 49 of the United States Code, the orders, rules, and regulations issued thereunder, and the attached Terms, Conditions, and Limitations, to engage in foreign charter air transportation of persons, property, and mail.*

*This Certificate is not transferable without the approval of the Department of Transportation.*

*By Direction of the Secretary*

*Issued by Order 2004-3-31  
On March 29, 2004  
Effective on March 23, 2004*

*Randall D. Bennett  
Director  
Office of Aviation Analysis*



*Terms, Conditions, and Limitations*

**VICTORY AIR TRANSPORT, INC.**

*is authorized to engage in foreign charter air transportation of persons, property, and mail:*

*Between any place in the United States and any place outside thereof.*

*This authority is subject to the following provisions:*

- (1) The holder's authority to operate under this certificate is limited to operations conducted under Part 135 of the Federal Aviation Regulations.*
- (2) The effectiveness of the authority contained in this certificate is conditioned upon the holder's continued existence under the ownership of DDL Pilot Services Company, Inc.*
- (3) The holder shall at all times conduct its operations in accordance with the regulations prescribed by the Department of Transportation for the services authorized by this certificate, and with such other reasonable terms, conditions, and limitations as the Department of Transportation may prescribe in the public interest.*
- (4) The holder shall at all times conduct its operations in accordance with all treaties and agreements between the United States and other countries, and the exercise of the privileges granted by this certificate is subject to compliance with such treaties and agreements and with any orders of the Department of Transportation issued under them or for the purpose of requiring compliance with them.*
- (5) The exercise of the authority granted here is subject to the holder's first obtaining from the appropriate foreign governments such operating rights as may be necessary.*
- (6) The holder's authority under this certificate is effective only to the extent that such operations are also authorized by the Federal Aviation Administration (FAA), and comply with all U.S. Government requirements concerning security.\*\**

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*\* This certificate is being reissued to reflect its effective date*

*\*\* To assure compliance with all applicable U.S. Government requirements concerning security, the holder shall, before commencing any new service (including charter flights) to or from a foreign airport, contact its Principal Security Inspector (PSI) to advise the PSI of its plans and to find out whether the Transportation Security Administration has determined that security is adequate to allow such airport(s) to be served.*

(7) *The holder shall at all times remain a "Citizen of the United States" as required by 49 U.S.C. 40102(a)(15).*

(8) *The holder shall maintain in effect liability insurance coverage as required under 14 CFR Part 205. Failure to maintain such insurance coverage will render a certificate ineffective, and this or other failure to comply with the provisions of Subtitle VII of Title 49 of the United States Code or the Department's regulations shall be sufficient grounds to revoke this certificate.*

(9) *Should the holder propose any substantial changes in its ownership, management, or operations (as that term is defined in 14 CFR 204.2(l)), it must first comply with the requirements of 14 CFR 204.5.*

(10) *In the event that the holder commences but subsequently ceases all operations for which it was found "fit, willing, and able," its authority under this certificate shall be suspended under the terms of 14 CFR 204.7 and the holder may neither recommence nor advertise such operations unless its fitness to do so has been redetermined by the Department. Moreover, if the holder does not resume operations within one year of its cessation, its authority shall be revoked for dormancy.*



**SERVICE LIST FOR VICTORY AIR TRANSPORT, INC.**

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